

In re application of: Kenneth A. Walker, Jr. et al  
Application No.: 10/713,446 Examiner: Eric V. Woods  
Filed: November 14, 2003 Art Unit: 2672  
  
Confirmation No. 9623  
Docket No.: 03-025  
Customer No.: 37420

**SUBMISSION OF REPLACEMENT APPEAL BRIEF IN RESPONSE  
TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

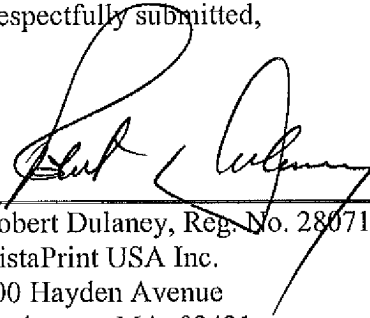
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Communication is submitted in response to the Notification of Non-Compliant Appeal Brief (PTOL-462) mailed March 6, 2007.

The Appeal Brief filed on January 10, 2007 was identified as defective for failing to provide the status of all claims filed in the application. A replacement Appeal Brief with a revised section III is provided herewith.

Respectfully submitted,



Date: March 13, 2007

Robert Dulaney, Reg. No. 28071  
VistaPrint USA Inc.  
100 Hayden Avenue  
Lexington, MA 02421  
Phone: 781-547-6360  
Fax: 781-577-7208

In re application of: Kenneth Walker, Jr. et al  
Application No.: 10/713,446 Examiner: Eric V Woods  
Filed: November 14, 2003 Art Unit: 2628  
  
Confirmation No. 9623  
Docket No.: 03-025  
User No.: 37420

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## **APPEAL BRIEF**

This Appeal Brief is provided in support of the Notice of Appeal filed November 16, 2006. Authorization is hereby granted to charge the required Small Entity fee for filing this Appeal Brief to Deposit Account 502765.

### **I. Real Party in Interest**

The real party in interest is VistaPrint Technologies Limited, a wholly owned subsidiary of VistaPrint Limited.

### **II. Related Appeals and Interferences**

There are no related appeals or interferences.

### **III. Status of Claims**

Pending claims 1, 3-7, 11, 13-17 and 21-34 have been finally rejected and are the subject of this appeal. No other claims are pending. Claims 2, 8-10, 12 and 18-20 have been cancelled.

#### **IV. Status of Amendment**

No amendments have been filed subsequent to the final rejection.

#### **V. Summary of the Claimed Subject Matter**

The pending claims relate to systems and methods for facilitating user customization of the image content of an image container in an electronic product design. More specifically, the claims relate to systems and methods for displaying particular image information to a user in response to the user's request to perform custom cropping for a selected image container in an electronic product design displayed to the user.

##### Independent Claim 1

Claim 1 recites displaying an electronic product design (Fig. 3, [0023]) to a user, the design containing at least one or more user-customizable image containers (302 in Fig. 3), each image container having content that is at least a portion of a base image (502 in Fig. 5) associated with the image container; allowing the user to select an image container in the electronic product design for customization of the content of the image container ([0026]), and in response to a user request to perform custom cropping for the selected image container (Fig. 4, [0026]), displaying to the user the associated base image (502, [0027]), and a cropping indicator (504, [0027]) positioned to indicate to the user the portion of the base image that is the current content of the image container.

##### Independent Claim 11

Claim 11 recites means for displaying an electronic product design (Fig. 3, [0023]) to a user, the design containing at least one or more user-customizable image containers (302 in Fig. 3), each image container having content that is at least a portion of a base image (502 in Fig. 5) associated with the image container; means for allowing the user to select an image container in the electronic product design

for customization of the content of the image container ([0026]), and means, responsive to a user request to perform custom cropping for the selected image container (Fig. 4, [0026]), for displaying to the user the associated base image (502, [0027]), and a cropping indicator (504, [0027]) positioned to indicate to the user the portion of the base image that is the current content of the image container. All of the above means are collectively depicted in Fig. 1 as Design Tool 106 and discussed at paragraphs [0018], [0023], [0026] and [0027]).

## **VI. Grounds of Rejection to be Reviewed on Appeal**

Whether Claims 1, 3-7, 11, 13-17, and 21-34 are unpatentable under 35 U.S.C. 103(a) over Roses (US 2003/0055871) in view of Noda (US 2002/0030634) and Haeberli (US 6,587,596)

## **VII. Argument**

In the pending application, the uses and benefits of the claimed invention are discussed in the context of an online printing service provider web site that allows a user to design a custom product, for example, a business card, postcard, or invitation, using the user's home or office computer. To assist a user in preparing an attractive and useful product, the printing service provider provides a variety of customizable product designs having various combinations of component elements, such as images, fonts, color schemes, and graphics. The user can select a desired design to use as a starting point and then provide text and perform other customization operations as allowed and supported by the printing service provider. When the user has completed customizing the electronic product design as desired, the user can save the custom product design at the printing service provider's server and place an order through the printing services provider's site for the production and delivery of a desired quantity of the product in printed form.

To support the product design creation process, the provider maintains a pool of owned or licensed images. Because the designs prepared by the printing services

provider for user customization will often include image containers of varying sizes and aspect ratios, the image containers will typically contain cropped versions of images created to fit the containers. The image cropping decision made by the service provider may not be pleasing to all users, therefore, to provide an additional level of customization to the user, the service provider allows the user to select an image container in a product design, review the associated uncropped image (referred to as the "base image") and, if desired, select a different portion of the base image for use in the image container of the template. The pending claims relate to facilitating this type of user image customization by responding to a user request to perform custom cropping of an image container by displaying the base image with a cropping indicator positioned so as to clearly indicate to the user the portion of the base image that is the current content of the selected image container.

By way of illustration, Fig. 3, as discussed at [0023], lines 1-9, is a simplified depiction of electronic postcard design 300 having image containers 302 and 304, each containing image content (not shown). If the user desires to modify the image content of container 302, the user selects container 302 by, for example, positioning the user's cursor over the image container and double clicking. ([0026], lines 1-5). Window 400 (Fig. 4) is then displayed, giving the user the option of either replacing the current image with another image or changing the cropping of the current image. If the user requests to change the cropping of the current image by selecting radio button 402, window 500 (Fig. 5) is opened. As discussed at [0027], lines 4-10, window 500 displays to the user the base image 502 associated with image container 302 and cropping indicator 504. Cropping indicator 504 has the same aspect ratio as image container 302 and is positioned within base image 502 to indicate to the user the specific portion of base image 502 that is currently displayed in image container 302. This allows the user to quickly review and evaluate the section of base image 502 that is currently being displayed in image container 302.

**Claims 1, 3-7, 21-25, and 31-34 are not unpatentable under 35 U.S.C. 103(a)  
over Roses in view of Noda and Haeberli**

Independent Claim 1 and Dependent Claims 3-7, 22-25, and 31-34

The Examiner cites the combination of Roses, Noda and Haeberli as teaching the methods of claims 1, 3-7, 22-25 and 31-34. Applicant respectfully disagrees. While each of the cited references relates in some way to the cropping of images and the incorporation of cropped images into a larger design, the cited references do not teach or suggest responding to a user custom cropping request by displaying image information in the specific manner recited in claims 1, 3-7, 22-25 and 31-34.

Roses discloses a system allowing a user to select a product template, select a desired image, and incorporate the image into the template to create a product design. Fig. 6 and paragraph [0043] of Roses indicate that the user can select “crop and scale to fit” in Image Attributes 612, which will cause the system to create a cropped version of the selected image and incorporate the cropped version into the product design when the user presses Place Image button 613. The user has no control over what portion of the image is cropped. After the user has pressed Place Image 613 and placed the image version in the product design, Roses discloses no system or method for allowing the user to modify the displayed version of the image so as to crop the image in a different way.

Noda discloses a system allowing a user to create a cropped version of an image using a user-controllable crop boundary. The selection tools shown in Figs 7 and 8, allow the Noda user to select a particular paper size and template option, such as shown in Figs 9A-F and Figs. 10A-D. When the user makes a selection, the corresponding “framing image” is displayed in first sub display area 38, as shown in Figs. 3-6, 11, 13, 14, 16 and 17. The framing image in sub display area 38 initially has no image content.

Referring to the representative situation depicted in Fig. 3 of Noda, an image 46 to be incorporated into a product design is displayed in main display area 37 and the user is engaged in preparing a cropped version of image 46 for incorporation into outer frame 47a. As discussed in Noda, for example at [0081] to [0083], a crop boundary 84 having the same aspect ratio as outer frame 47a is displayed to the user. Crop boundary 84 is used to indicate to the user the portion of image 46 that would be placed in outer frame 47a. Crop boundary 84 can be resized and/or relocated by the user to select a desired portion of image 46. When the user completes manipulating crop boundary 84 and selects pasting button 56, as explained in Noda at [0100] to [0102], the area outside of crop boundary 84 is cropped out and the area within crop boundary 84 is pasted into outer frame 47a.

Once the cropping operation on image 46 is performed, Noda works only with the cropped version of the image. If the Noda user later desires to modify the cropping of image 46 to create a differently cropped version, Noda provides no specific system or method to facilitate this operation. To create a differently cropped version, the user is required to start all over again from scratch with the original base image in the same way as if the user were replacing the current image with a completely different image as described in [0110]. Noda does not retain any information about where within image 46 the cropped version was taken and Noda contains no suggestion of responding to a user cropping request by displaying image 46 and a cropping indicator positioned to indicate the currently cropped portion within the overall image.

Haeberli discloses a system allowing a user to process uploaded photographs and incorporate the processed photographs into a product design containing one or more images. Haeberli, as shown in the upper left region of Figs. 6a and 6b, 9a and 9b, 12a and 12b, and 17a and 17b, provides a user interface and user-selectable tools to allow the user to control various attributes of the images, such as image rotation, cropping, effects, and borders. Figs. 9a and 9b depict a cropping indicator (904) that can be positioned by the user over a base image (906) to identify a desired area for cropping.

The operation of the Haeberli cropping system is described at col. 13, line 65 to col. 14, line 24. The Haeberli user first opens the cropping interface, apparently by clicking on the "Crop" button available on various user interface displays (see upper left region in Fig. 6a, for example). The user then selects one of the buttons 912 to choose a crop shape 904, which is placed at an initial default location (see default placement of 904 in Fig. 9a), and resizes and/or repositions the selected crop shape 904 using crop controls 916, 918 and 920 until the crop shape 904 is sized and positioned over the desired portion of the image 906 (for example, as shown in Fig. 9b). When the cropping operation is completed, the user will exit the cropping interface shown in Figs. 9a and 9b and can continue to perform other product preparation operations.

If the Haeberli user desires to modify the cropping of the image content of an image container in a product design, Haeberli provides no specific teaching regarding how this operation might be accomplished other than by the user activating the user interface shown in Fig. 9a and starting the cropping process all over again by again performing the actions described at col. 13, line 65 to col. 14, line 24. Haeberli discloses retaining a description of the cropped portion of the image selected by the user, but this retained information is described as being used for the purpose of creating preview images of a product or creating the product itself (see Fig. 21 and col. 21, lines 6-18). Haeberli does not teach that the saved cropping information might be employed to respond to a custom cropping request from a user to display a cropping indicator positioned to indicate to the user the portion of the base image that is the current content of the image container.

In summary, Roses, Noda, and Haeberli, viewed either alone or in combination, do not disclose or suggest Applicant's claimed methods for facilitating user customization of the image content of an image container in an electronic product design by allowing the user to select an image container in a displayed product design and, in response to the user request, displaying the base image associated



with the selected image container and a cropping indicator positioned to indicate the portion of the base image that is the current content of the image container.

Dependent Claim 21

The Examiner states that Noda teaches “that the system can automatically insert an image that is scanned into the first field in the template, which clearly would constitute the recited limitation – e.g. the computer would automatically selected [sic] the base image associated with the selected image area”. Applicant respectfully disagrees.

There is nothing in Noda to indicate that the Noda process is not entirely under the control of the user, including all actions related to associating images with image containers. As discussed at [0060] of Noda, the scanning in of an image is directly under user control using read-in button 55 (Fig. 2). No support is seen in Noda for the Examiner’s position that an image can become associated with an image container of an electronic product design in any way other than by the image being selected and associated with the image container by the user.

**Claims 11, 13-17, and 26-30 are not unpatentable under 35 U.S.C. 103(a) over Roses in view of Noda and Haeberli**

Independent Claim 11 and Dependent Claims 13-17 and 27-30

System claims 11, 13-17 and 27-30 are similar to method claims 1, 3-7, and 27-30 and the above arguments regarding claims 1, 3-7, and 27-30 likewise apply.

Roses, Noda, and Haeberli do not disclose or suggest the systems of claims 11, 13-17 and 27-30.

Dependent Claim 26

The Examiner addressed method claim 21 and system 26 together and applied the same comments in rejecting both. For the same reasons cited above in connection with claim 21, the rejection of claim 26 is likewise considered unsupported in the disclosure of Noda.

**Conclusion**

For the reasons set forth above, Applicant respectfully submits that each claim is patentable and reversal of all rejections is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Dulaney", is written over a horizontal line.

Date: March 13, 2007

Robert Dulaney, Reg. No. 28071  
VistaPrint USA Inc.  
100 Hayden Avenue  
Lexington, MA 02421  
Phone: 781-547-6360  
Fax: 781-577-7208

### **VIII. Claims Appendix**

1. A computer-implemented method for facilitating user customization of the image content of an image container in an electronic product design, the method comprising

displaying an electronic product design to a user, the design containing at least one or more user-customizable image containers, each image container having content that is at least a portion of a base image associated with the image container;

allowing the user to select an image container in the electronic product design for customization of the content of the image container, and

in response to a user request to perform custom cropping for the selected image container, displaying to the user

the associated base image, and

a cropping indicator positioned to indicate to the user the portion of the base image that is the current content of the image container.

3. The method of claim 1 further comprising allowing the user to modify the size of the cropping indicator relative to the base image.

4. The method of claim 3 wherein the user is prevented from changing the ratio of cropping indicator height to cropping indicator width during modification of the cropping indicator size.

5. The method of claim 3 wherein, upon completion of a cropping indicator size modification, the selected image container is updated to incorporate the portion of the image indicated by the modified cropping indicator.

6. The method of claim 1 further comprising allowing the user to reposition the cropping indicator relative to the base image.

7. The method of claim 6 wherein, upon completion of a cropping indicator repositioning, the selected image container is updated to incorporate the portion of the base image indicated by the repositioned cropping indicator.

11. A computer-implemented system for facilitating user customization of the image content of an image container in an electronic product design, the system comprising

means for displaying an electronic product design to a user, the design containing at least one or more user-customizable image containers, each image container having content that is at least a portion of a base image associated with the image container;

means for allowing the user to select an image container in the electronic product design for customization of the content of the image area container, and

means, responsive to a user request to perform custom cropping for the selected image container, for displaying to the user

the associated base image, and

a cropping indicator positioned to indicate to the user the portion of the base image that is the current content of the selected image container.

13. The system of claim 11 further comprising means for allowing the user to modify the size of the cropping indicator relative to the base image.

14. The system of claim 13 further comprising means for maintaining a fixed ratio of cropping indicator height to cropping indicator width during modification of the cropping indicator size.

15. The system of claim 13 further comprising means for updating the selected image container upon completion of a cropping indicator size modification to incorporate the portion of the base image indicated by the modified cropping indicator.

16. The system of claim 11 further comprising means for allowing the user to reposition the cropping indicator relative to the base image.

17. The system of claim 16 further comprising means for updating the selected image container upon completion of a cropping indicator size modification to incorporate the portion of the base image indicated by the modified cropping indicator.

21. The method of claim 1 wherein the base image associated with the selected image container was not associated with the selected image container by the user.
22. The method of claim 1 wherein the at least a portion of the base image initially selected as the content of the selected image container was not selected by the user.
23. The method of claim 1 wherein any of the one or more image areas in the product design can be selected and customized independently of any other image container in the product design.
24. The method of claim 1 wherein the electronic product design is displayed to the user in response to selection by the user of one of a plurality of thumbnail images representing user-customizable electronic product designs.
25. The method of claim 1 further including allowing the user to select a different base image to be associated with the selected image container.
26. The system of claim 11 wherein the base image associated with the selected image container was not associated with the selected image container by the user.
27. The system of claim 11 wherein the at least a portion of the base image initially selected as the content of the selected image container was not selected by the user.

28. The system of claim 11 wherein any of the one or more image areas containers in the product design can be selected and customized independently of any other image container in the product design.

29. The system of claim 11 wherein the electronic product design is displayed to the user in response to selection by the user of one of a plurality of thumbnail images representing user-customizable electronic product designs.

30. The system of claim 11 further including allowing the user to select a different base image to be associated with the selected image container.

31. The method of claim 5 further comprising forwarding the electronic product design to a printer for printing.

32. The method of claim 7 further comprising forwarding the electronic product design to a printer for printing.

33. One or more computer-readable media having computer-executable instructions thereon for implementing the method of claim 1.

34. A system for facilitating user customization of the image content of an image container in an electronic product design, the system comprising:  
one or more processors; and

one or more computer readable media having computer-executable instructions embodied thereon for implementing the method of claim 1.



**IX. Evidence Appendix**

None

**X. Related Proceedings Appendix**

None